

### **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

### **HEARING PROCEDURES**

**1. What is the first event and what will occur?**

**The first event is a pre-trial on all contested petitions. I will set a scheduling order and relist for completion of moving party's evidence.**

**a. List any documents required at the first event:**

**None**

**b. Should documents be uploaded as Exhibits or Letters to the Judge?**

**No documents should be upload into WCAIS unless instructed to do so by me.**

**2. Describe the format of your hearings (e.g., serial, one day – one trial).**

**I conduct serials listings with direct to parties on my expectation for each hearing.**

**3. Are you willing to change the hearing format upon request?**

**No.**

**4. What factors will you consider in deciding whether to conduct a hearing in-person?**

**I will consider an "in-person" hearing at the request of a party. For the event to be conducted "in-person", there must be an agreement by all parties who will attend the hearing for the event to be "in-person" and there must be no public policy mandates which prohibit an "in-person" event and/or requires the wearing of a face mask.**

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

**I will allow an audio only event, under special circumstance, with prior notice. Otherwise, I expect all to participate via video.**

**6. What procedure do you follow if a party fails to appear at a hearing?**

The procedure varies depending on the type of petition filed and the party failing to appear.

**7. Do you have special procedures for psychological injury cases?**

No

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

This a pre-trial hearing at which time supersedeas evidence will be accepted.

**a. Will testimony be heard?**

No

**b. Is additional time generally granted to obtain medical evidence?**

Additional time is provided upon request with good cause for request.

**c. Under what circumstances will you reconsider a supersedeas order?**

Limited circumstance and a request must be made through WCAIS.

**d. Do you generally use written orders for denials?**

An Interlocutory Order is issued on all request for supersedeas.

**e. What is required for employee's counsel to obtain interim fee approval?**

A request at the supersedeas hearing must be made and a fee agreement must be uploaded.

**f. Describe any other procedures for supersedeas hearings:**

A scheduling order will be given to the parties.

**g. Describe procedures for special supersedeas hearings, if different:**

My procedures are the same as a pre-trial hearing.

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

I anticipate being notified via WCAIS if the party intends to present testimony of Claimant or witness.

2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

I expect to hear Claimant's testimony via video or in-person at some point during litigation, preferable at final hearing on matter.

3. Under what circumstances will you change your requirements for presentation of testimony?

Upon request with good cause.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice?

It is preferred but not required.

If yes, how much notice do you require?

None.

5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

Initial petition assigned is the moving party and that medical evidence must be presented first.

6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?

All evidence will be admitted at a hearing and a certification of the record will occur at the final hearing. Bureau and WCOA documents are generally admitted as Judge Exhibits.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing?

I would prefer evidence uploaded after admitted on the record at a hearing except for C&R Agreements and evidence to be addressed by a party testifying live before me.

If before, how far in advance of the hearing must they be uploaded?

By the time of the hearing

8. When will you rule on objections to exhibits?

Generally, at the time the party is requesting admission.

9. What is your procedure for handling discovery disputes?

A WCAIS request must be made and from there a decision will be made on best procedure for handling dispute.

10. What is the last day to file written preservations of deposition objections?

The preservation of objection must be submitted as a separate exhibit and uploaded at the time of a submission of a brief.

## COMPROMISE & RELEASES (C&Rs)

### 1. Describe your procedures regarding the review of C&R Agreements:

I expect the parties to provide either by email or uploading in WCAIS the redacted and unredacted C&R Agreement by the day of the hearing. The Act 109 documents are a SEPARATE exhibit and should be uploaded accordingly.

a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?

I will allow an amendment of an existing petition, a specific Petition to Seek Approval of a C&R is not necessary.

b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?

I expect the parties to provide either by email or uploading in WCAIS the redacted and unredacted C&R Agreement by the day of the hearing. The Act 109 documents are a SEPARATE exhibit and should be uploaded accordingly.

c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?

As long I have a copy of the C&R Agreement emailed to me by the time of the hearing, the Agreement can be uploaded after the hearing.

d. Should child support documents be uploaded as a separate exhibit?

**YES!!!!!!**

e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?

The parties should be providing me one redacted and one redacted copy of the C&R Agreement.

f. Will you sign bench orders?

Yes, I will sign a Bench Order.

g. Describe any other procedures you have for C&R Agreements:

I must see Claimant in-person or via video.

## STIPULATIONS RESOLVING DISPUTES

### 1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

The parties must make a WCAIS request which must state whether one or all petitions are being resolved and whether a Claimant Counsel fee needs to be approved and the stipulation must be uploaded as a Judge Exhibit.

2. Should the fee agreement be part of the stipulation or separate exhibit?

Separate Exhibit is preferred.

3. Should child support documents be uploaded as a separate exhibit?

Yes, the Act 109 Documents MUST be a separate exhibit.

4. What other exhibits should be uploaded (i.e. medical bills, etc.)?

Whatever the parties feel is required with the stipulation.

5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?

Attached to the Stipulation.

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?

The Stipulation should be redacted as it will be circulated with the order adopting the stipulation.

7. Describe any other procedures you have for stipulations:

None.

### BRIEFS AND PROPOSED FINDINGS

1. Will you close a case via WCAIS submission or is a final hearing required?

A final hearing is required where I will certify the evidence on the record and provide a briefing schedule.

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?

I expect the parties to keep me apprised as to the progress of the matter and make appropriate requests for extension of time pursuant to Judge's Rules of Practice and Procedure.

3. Describe any preferences regarding the format and content of final submissions:

None.

### MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Southeast District

2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?

I will consider an “in-person” mediation at the request of a party. For the event to be conducted “in-person”, there must be an agreement by all parties who will attend the mediation for the event to be “in-person” and there must be no public policy mandates which prohibit an “in-person” event and/or requires the wearing of a face mask.

3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?

I will allow an audio only event, under special circumstance, with prior notice. Otherwise, I expect all to participate via video.

4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?

I would prefer everyone be either all in person or all virtual.

5. Do you require a Mediation Statement? **Not in any formal format.** If yes:

- a. What information do you require in that Statement?

A brief summary of the matter and settlement demand/offer.

- b. What documents, if any, must accompany the Statement?

None.

- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

The day prior to mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled?

No. The parties have the option to request a Voluntary Mediation.

If so, how long until it is rescheduled? **Dependent on my availability.**

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

The policy is one mandatory mediation per Dispute in the Southeast District, however, a voluntary mediation can be requested of any of Judge in the Southeast District.

8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

The day prior to the mediation.

9. What else should the parties know or do before the mediation?

I expected the parties to have exchanged a demand and an offer.

### **VOLUNTARY MEDIATIONS**

1. Do you conduct Voluntary Mediations?

Yes

**2. How should the parties request a Voluntary Mediation?**

An email is sent to myself and my VM assistant, Penny Ellis. My assistant will provide available dates and times for a voluntary mediation. Once date and time are confirmed by my assistant, the parties are to request a Voluntary Mediation via WCAIS with the date and time set forth therein. Within a few days prior to the mediation, my assistant will forward the Teams link.

**3. List the locations where you conduct in-person voluntary mediations:**

Southeast District.

**4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

Absolutely. Any WCOA district in the Commonwealth of Pa.

**5. Do you mediate Disputes assigned to you for hearing and decision?**

Yes, with the condition that the parties stipulate on the record that they will not appeal any decision issued by me on the basis that I mediated the matter.

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

Not my preference but will at request of a WCJ.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

I will consider an "in-person" mediation at the request of a party. For the event to be conducted "in-person", there must be an agreement by all parties who will attend the mediation for the event to be "in-person" and there must be no public policy mandates which prohibit an "in-person" event and/or requires the wearing of a face mask.

**8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

I will allow an audio only event, under special circumstance, with prior notice. Otherwise, I expect all to participate via video.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

I would prefer everyone be either all in person or all virtual.

**10. Do you require a Mediation Statement?**

Not in any formal format. If yes:

a. What information do you require in that Statement?

**A brief summary of the matter and settlement demand/offer.**

- b. What documents, if any, must accompany the Statement?**

**None.**

- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

**The day prior to the mediation.**

- 11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

**It is dependent upon my schedule.**

- 12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

**Yes**

- 13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

**The parties should contact the Judge conducting the voluntary mediation.**

- 14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

**Preferred as soon as possible as so my assistant can fill that slot.**

- 15. What else should the parties know or do before the mediation?**

**Just to have exchanged a demand and offer prior to the mediation.**

### **REQUESTS/MISCELLANEOUS**

- 1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

**As soon as need arises for the request, but no continuances will be granted within 24 hours unless emergent situation.**

- 2. Under what circumstances do you conduct off the record conference calls?**

**Upon request for good cause only.**

- 3. Under what conditions/circumstances do you accept e-mails from parties?**

**Always, as long as opposing counsel is on the email.**

- 4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

**I conduct a virtual call of the list which will continue and I do not have a strict adherence to duration times.**

- 5. What is the best way to contact you in an emergency situation?**



Email or call to my assistant, Shelly Powell.

6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?

For an in person event, the event will be held virtually if the School District of Philadelphia is delayed or closed. However, I will always entertain a request to change an in person event to virtual event for a weather related issue and may do sua sponte. My assistant, Hector will notify all parties if there is any change from an in person to virtual event. The parties can also check WCAIS and the Philadelphia Bar Association social media for any change because of snow/emergency situation.